

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1925 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

SHANTABEN SOMABHAI PATEL VILLAGE TRANSVAD

Versus

STATE OF GUJARAT

Appearance:

MRS YOGINI V PARIKH for Petitioner

MR SAMIR DAVE FOR MR SP HASURKAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/10/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The family pension has been denied to the petitioner only on the ground that her husband has not exercised the

option for pension. In support of this contention, reliance has been placed on the Resolution of the Government under which pension scheme has been introduced for the teaching and non-teaching staff of the recognized grant-in-aid schools. This Resolution of the Government is dated 21st December, 1971, and the pension scheme was made effective from 1.4.69. It is unfortunate that the husband of the petitioner died on 18th March 1970 before the aforesaid Resolution and naturally he could not have exercised the option. The claim of the petitioner for family pension deserves acceptance as denial of the same on the ground aforesaid is wholly arbitrary and unjustified.

#. The respondents are directed to give family pension to her within a period of two months from the date of receipt of Writ of this order. However, the petitioner has to deposit the amount of employees' contribution towards provident fund with the respondents. The learned counsel for the petitioner states that this amount has been deposited. If it is correct, she needs not deposit this amount again. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)